

UNITED STATES DEPARTMENT OF COMMERCE
BUREAU OF EXPORT ADMINISTRATION
WASHINGTON, D.C. 20230

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In the Matter of:)
)
INFOCOM CORPORATION, INC.)
630 International Parkway, Suite 100)
Richardson, Texas 7508 1)
)
Respondent)
)
and)
)
TETRABAL CORPORATION, INC.)
3 16 Candlewood Place)
Richardson, Texas 7508 1)
)
BAYAN MEDHAT ELASHI)
1810 Auburn)
Richardson, Texas 7508 1)
)
GHASSAN ELASHI)
304 Town House Lane)
Richardson, Texas 7508 1)
)
BASMAN MEDHAT ELASHI)
1506 Willow Crest Drive)
Richardson, Texas 7508 1)
)
IHSAN MEDHAT “SAMMY” ELASHI)
3 16 Candlewood Place)
Richardson, Texas 7508 1)
)
HAZIM ELASHI)
937 Stone Trail Drive)
Plano, Texas 75023)
)
FADWA ELAFRANGI)
306 Town House Lane)
Richardson, Texas 7508 1)
)
<hr/> Related persons	

ORDER TEMPORARILY DENYING EXPORT PRIVILEGES

Through the Office of Export Enforcement (“OEE”), the Bureau of Export Administration (“BXA”), US. Department of Commerce, has asked me to issue an order pursuant to Section 766.24 of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (2001)) (“EAR” or “Regulations”), temporarily denying all U.S. export privileges to INFOCOM CORPORATION, INC., 630 International Parkway, Suite 100, Richardson, Texas 75081 (“Infocom”). BXA has also asked that, pursuant to Sections 766.24(c) and 766.23 of the Regulations, the order apply to the following persons who are related to Infocom:

Tetrabal Corporation, Inc.
3 16 Candlewood Place
Richardson, Texas 7508 1

Bayan Medhat Elashi
1810 Auburn
Richardson, Texas 7508 1

Ghassan Elashi
304 Town House Lane
Richardson, Texas 7508 1

Basman Medhat Elashi
1506 Willow Crest Drive
Richardson, Texas 7508 1

¹ The Regulations were issued pursuant to the Export Administration Act of 1979 (“Act”), 50 U.S.C. app. §§ 2401-2420 (1994 & Supp. IV 1998), as reauthorized by Act of November 13, 2000, Pub. L. No. 106-508, 114 Stat. 2360. The Act lapsed on August 20, 2001. Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 - 1706 (1994 & Supp. IV 1998)), the President, through Executive Order 13222 of August 17, 2001 (66 Fed. Reg. 44025 (August 22, 2001)), has continued the Regulations in force.

Ihsan Medhat "Sammy" Elashi
3 16 Candlewood Place
Richardson, Texas 7508 1

Hazim Elashi
937 Stone Trail Drive
Plano, Texas 75023

Fadwa Elafrangi
306 Town House Lane
Richardson, Texas 7508 1

In its request, BXA states that, based upon an investigation by OEE, it believes that Infocom has violated the Regulations by shipping and attempting to ship goods to Libya and Syria without obtaining the necessary authorizations from BXA. Specifically, BXA has determined that Infocom made three shipments of computer equipment without the required export licenses from BXA. These were:

(1) A 1997 shipment of computer accessories to Malta that was, immediately upon its arrival in Malta, shipped to Libya. Infocom had dealt with a representative of the ultimate end-user in Libya in a manner that suggests that Infocom was aware that the goods were ultimately intended for that country. Infocom did not have the appropriate U.S. Government authorization to ship the goods to Libya. Additionally, Infocom did not disclose the identity of the ultimate consignee on the shipper's export declaration it filed for the shipment, listing instead a forwarder in Malta.

(2) An April 1999 shipment of one computer as well as memory chips and central processing units (“CPUs”) to Syria. Infocom made this shipment directly from Texas to Syria. The Regulations required Infocom to obtain an export license from BXA to make the shipment to Syria because the shipment contained items that were controlled for anti-terrorism reasons. Infocom did not receive an export license for this transaction.

(3) An August 2000 shipment of a computer to Syria without the required export license from BXA. In addition, Infocom undervalued the goods in this shipment on the export control documents.

Additionally, in June 1999, Infocom made an attempted shipment of CPUs to Syria. It used the same freight forwarder as the April 1999 shipment above. When the freight forwarder questioned whether the shipment required an export license, Infocom’s Logistics Manager, Basman Elashi, stated that he had checked, and that it did not. Infocom did not complete the shipment through this freight forwarder. In fact, the shipment would have required a license from BXA.

In addition to these transactions, OEE’s investigation also establishes that Infocom offered price quotations to other customers in Syria. It also suggests that Infocom has many contacts in third countries through whom it could send goods to Syria and Libya as it did the 1997 shipment through Malta.

Thus, OEE's investigation demonstrates that Infocom has made repeated exports without the required U.S. government authorization, and that it has attempted to conceal these shipments by undervaluing goods, filing false and deceptive SEDs, and avoiding freight forwarders that ask uncomfortable questions.

OEE's investigation has disclosed that one corporation and six natural persons are closely related by their ownership, control, affiliation, or connection with Infocom. All of the natural persons have received wages from Infocom. Their names, addresses, and relationships to Infocom are set out below as listed in documents available to OEE:

Tetrabal Corporation, Inc.
3 16 Candlewood Place
Richardson, Texas 7508 1

A business owned and operated by the same principals as Infocom and located at the same address.

Bayan Medhat Elashi
1810 Auburn
Richardson, Texas 75081

Chief Executive Officer of Infocom

Ghassan Elashi
304 Town House Lane
Richardson, Texas 7508 1

Vice President of Marketing of Infocom

Basman Medhat Elashi
1506 Willow Crest Drive
Richardson, Texas 7508 1

Logistics Manager of Infocom

Ihsan Medhat "Sammy" Elashi
3 16 Candlewood Place
Richardson, Texas 7508 1

Systems Consultant for Infocom

Hazim Elashi
937 Stone Trail Drive
Plano, Texas 75023

Manager of Personal Computers Division of Infocom

Fadwa Elafrangi
306 Town House Lane
Richardson, Texas 7508 1

Majority owner of Infocom

(During the course of the investigation, OEE investigators discovered different spellings for "Elashi" including: "El Ashi," "Elashyi," "Elashye," and "Ashi.")

In light of the evidence cited above that Infocom has committed repeated violations of the Regulations that are deliberate and covert, that its principals have actively sought to engage in further export transactions, and that, given the nature of the items shipped, future violations could go undetected. In addition, a temporary denial order is needed to give notice to companies in the United States and abroad that they should cease dealing with Infocom in export

transactions involving U.S.-origin items. Such a temporary denial order is clearly consistent with the public interest to preclude future violations of the Regulations.

Accordingly, I am issuing this order because I have concluded that a TDO is necessary, in the public interest, to prevent an imminent violation of the Regulations. This order is issued on an *ex parte* basis without a hearing based upon BXA's showing that expedited action is required.

IT IS THEREFORE ORDERED:

FIRST, that INFOCOM CORPORATION, INC., 630 International Parkway, Suite 100, Richardson, Texas 75081 ("the denied person") and the following persons subject to the order by their relationship to the denied person, TETRABAL CORPORATION, INC., 316 Candlewood Place, Richardson, Texas 75081; BAYAN MEDHAT ELASHI, 810 Auburn, Richardson, Texas 75081; GHASSAN ELASHI, 304 Town House Lane, Richardson, Texas 75081; BASMAN MEDHAT ELASHI, 1506 Willow Crest Drive, Richardson, Texas 75081; IHSAN MEDHAT "SAMMY" ELASHI, 316 Candlewood Place, Richardson, Texas 75081; HAZIM ELASHI, 937 Stone Trail Drive, Plano, Texas 75023; FADWA ELAFRANGI, 306 Town House Lane, Richardson, Texas 75081 ("the related persons") (together, the denied person and the related persons are "persons subject to this order") may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as "item") exported or to be exported from the United States that is subject to the

Export Administration Regulations (EAR), or in any other activity subject to the EAR, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR; or

C. Benefiting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR.

SECOND, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of a person subject to this order any item subject to the EAR;

B. Take any action that facilitates the acquisition or attempted acquisition by a person subject to this order of the ownership, possession, or control of any item subject to the EAR that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby a person subject to this order acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from a person subject to this order of any item subject to the EAR that has been exported from the United States;

D. Obtain from a person subject to this order in the United States any item subject to the EAR with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the EAR that has been or will be exported from the United States and which is owned, possessed or controlled by a person subject to this order, or service any item, of whatever origin, that is owned, possessed or controlled by a person subject to this order if such service involves the use of any item subject to the EAR that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

THIRD, that, in addition to the related persons named above, after notice and opportunity for comment as provided in section 766.23 of the EAR, any other person, firm, corporation, or business organization related to the denied person by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of this order.

FOURTH, that this order does not prohibit any export, reexport, or other transaction subject to the EAR where the only items involved that are subject to the EAR are the foreign-produced direct product of U.S.-origin technology.

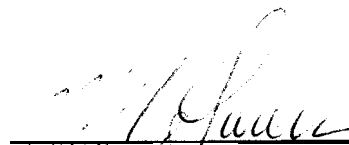
In accordance with the provisions of Section 766.24(e) of the Regulations, Infocom may, at any time, appeal this Order by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202-4022. A related person may appeal to the Administrative Law Judge at the aforesaid address in accordance with the provisions of Section 766.23(c) of the Regulations.

This Order is effective immediately and shall remain in effect for 180 days.

In accordance with the provisions of Section 766.24(d) of the Regulations, BXA may seek renewal of this Order by filing a written request not later than 20 days before the expiration date. Infocom may oppose a request to renew this Order by filing a written submission with the

Assistant Secretary for Export Enforcement, which must be received not later than seven days before the expiration date of the Order.

A copy of this Order shall be served on Infocom and each related person and shall be published in the *Federal Register*.



Michael J. Garcia
Assistant Secretary
for Export Enforcement

Entered this 6th day of September, 2001.

CERTIFICATE OF SERVICE

I hereby certify that, on September ^{4th}~~07~~, 2012 caused the foregoing Request for Stay of Proceedings to Conduct Settlement Negotiations to be mailed first-class, postage prepaid, to:

INFOCOM Corporation, Inc.
630 International Parkway, Suite 100
Richardson, TX 75081

Tetrabal Corporation, Inc.
316 Candlewood Place
Richardson, Texas 75081

Bayan Medhat Elashi
1810 Auburn
Richardson, Texas 75081

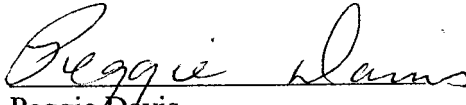
Ghassan Elashi
304 Town House Lane
Richardson, Texas 75081

Basman Medhat Elashi
1506 Willow Crest Drive
Richardson, Texas 75081

Ihsan Medhat "Sammy" Elashi
316 Candlewood Place
Richardson, Texas 75081

Hazim Elashi
937 Stone Trail Drive
Plano, Texas 75023

Fadwa Elafrangi
306 Town House Lane
Richardson, Texas 75081


Peggie Davis
Secretary



UNITED STATES DEPARTMENT OF COMMERCE
Bureau of Export Administration
Washington, DC. 20230

PROPOSED CHARGING LETTER

March 19, 2001

G. M. Marketing Company
4900 Calvert Street
Dallas, TX 75247

Attention: Mr. George Moussa
President

Case No. 95-28

Gentlemen:

We have reason to believe and charge that you, G. M. Marketing Company, have committed forty-one violations of the Export Administration Regulations, currently codified at 15 C.F.R. Parts 730-774 (2000), (the "Regulations")¹ issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (1991, Supp. 2000 and Pub. L. No. 106-508, November 13, 2000))(the "Act").²

We charge that you committed ten violations of Section 769.2(d) of the former Regulations, in that, with intent to comply with, further or support an unsanctioned foreign boycott, you furnished ten items of information about your business relationships with other persons who are known or believed to be restricted from having any business relationships with or in a boycotting country.

¹ The alleged violations occurred in 1993, 1994 and 1995. The Regulations governing the violations at issue are found in the 1993-1995 versions of the Code of Federal Regulations (15 C.F.R. Parts 768-799 (1993-1995)). Those Regulations define the violations that we allege occurred and are referred to hereinafter as the former Regulations. Since that time, the Regulations have been reorganized and restructured; the restructured Regulations established the procedures that apply to the matters in this letter.

² The Act expired on August 20, 1994. Executive Order 12924 (3 C.F.R., 1994 Comp. 917 (1995)), which has been extended by successive Presidential Notices, the most recent being that of August 3, 2000 (65 Fed. Reg. 48347, August 8, 2000), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701-1706 (1991 & Supp. 2000)).



We also charge that you, on twenty occasions, in violation of Section 769.6 of the former Regulations, failed to report to the Department your receipt of requests to engage in restrictive trade practices or boycotts.

Lastly, we charge that you, on eleven occasions, failed to maintain records containing information relating to reportable boycott requests for a three-year period after your receipt of the requests, as directed by Sections 769.6(b)(8) and 787.13(e) of the former Regulations.

We allege that:

1. You are a domestic concern incorporated in the State of Texas and, as such, you are a United States person as defined in Section 760.1 (b) of the Regulations.

2. During the period 1991 through 1995, you engaged in transactions involving the sale of goods from the United States to, ^{inter} *alia*, Kuwait, Saudi Arabia, Dubai and Qatar, activities in the interstate or foreign commerce of the United States as defined in Section 769.1 (d) of the former Regulations.

3. In connection with the activities described in paragraph 2 above, on ten occasions, you furnished information prepared by you, as described in Table A, which is attached and incorporated herein, concerning your business relationships with other persons who are known or believed to be restricted from having any business relationship with or in a boycotting country, activities prohibited by Section 769.2(d) of the former Regulations, and not excepted. We therefore charge you with ten violations of Section 769.2(d)

4. In connection with these same activities described in paragraph 2 above, on twenty occasions, you received requests to engage in restrictive trade practices or boycotts, described in Table B, which is attached and incorporated by this reference, which you failed to report to the Department as directed by Section 769.6 of the former Regulations. We therefore charge you with twenty violations of Section 769.6.

5. On September 18-19, 1995, officials of the Department's Bureau of Export Administration's Office of Antiboycott Compliance visited you and requested that you produce and make available for inspection the documents described in Table C, which is attached and incorporated by this reference. You failed to produce these eleven documents. Sections 769.6(b)(8) and 787.13(e) of the former Regulations required you to maintain these documents for a three year period after you received them.

Accordingly, we charge you with eleven violations of Sections 769.6(b)(8) and 787.13(e) of the former Regulations.

Accordingly, administrative proceedings are instituted against you pursuant to Part 766 of the Regulations for the purpose of obtaining an Order imposing administrative sanctions.³

You are entitled to a hearing on the record as provided in Section 766.6 of the Regulations. If you wish to have a hearing on the record, you must file a written demand for it with your answer. You are entitled to be represented by counsel, and under Section 766.18 of the Regulations, to seek a settlement agreement.

If you fail to answer the allegations contained in this letter within thirty (30) days after service as provided in Section 766.6, such failure will be treated as a default under Section 766.7.

As provided in Section 766.3, I am referring this matter to the Administrative Law Judge. Pursuant to an Interagency Agreement between The Bureau of Export Administration and the U.S. Coast Guard, the U.S. Coast Guard is providing administrative law judge services, to the extent that such services are required under the Regulations, in connection with the matter set forth in this letter. Therefore, in accordance with the instructions in Section 766.5(a) of the Regulations, your answer should be filed with:

U.S. Coast Guard ALJ Docketing Center
40 South Gay Street
Baltimore, Maryland 21202-4022

Attention: Administrative Law Judge

³ Administrative sanctions may include any or all the following:

- a. A civil penalty of \$10,000 per violation (see § 764.3(a)(1) of the Regulations);
- b. Denial of export privileges (see § 764.3(a)(2) of the Regulations); and/or
- c. Exclusion from practice (see § 764.3(a)(3) of the Regulations).

Also, in accordance with the instructions in Section 766.5(b) of the Regulations, a copy of your answer should also be served on the Bureau of Export Administration at:

Office of the Chief Counsel for Export Administration
U.S. Department of Commerce
Room H-3839
14th Street & Constitution Avenue, N.W.
Washington, D. C. 20230

Sincerely,

Dexter M. Price
Director
Office of Antiboycott Compliance

TABLE A

Schedule of Alleged Violations of Section 769.2(d)
Furnishing Prohibited Business Information

G. M. Marketing Company Case No. 95-28

Item	Document Furnished	On or About	Inv. #	Information Furnished
1	Certificate of Origin	02.28.92	1939A	A
2	Certificate of origin	03.17.92	1914	A
3	Certificate of origin	04.27.92	1958	A
4	Certificate of origin	05.19.92	1964	A
5	Certificate of origin	09.24.92	2016	A
6	Certificate of origin	09.15.92	2025	A
7	Certificate of origin	09.15.92	2027	A
8	Certificate of Origin	09.10.92	2038	A
9	Shipper's Export Declaration	03.09.92	1946	B
10	Letter	04.27.92	1958	A

KEY TO INFORMATION FURNISHED:

A = "We state that the carrying vessel is allowed to enter Kuwait ports."

B = "We certify that the vessel..... is not banned entry to the ports of the Arab States for any reason whatsoever under the laws and regulations of such states."

TABLE B

Schedule of Alleged Violations of Section 769.6
Failure to Report Receipts of Boycott Requests

G. M. Marketing Company Case No. 95-28

Item	Letter of Credit Number	Date of Receipt [on or about]	Boycotting Country	Boycott Request
1	630835	08.30.93	S. Arabia	A
2	E 744224	02.04.92	Kuwait	B
3	E 744325	03.16.92	Kuwait	B
4	E 744382	04.01.92	Kuwait	B
5	E 744526	05.13.92	Kuwait	B
6	E 744637	06.18.92	Kuwait	B
7	E 744691	07.13.92	Kuwait	B
8	E 744757	08.10.92	Kuwait	B
9	E 744767	08.12.92	Kuwait	B
10	E 744770	08.12.92	Kuwait	B
11	E 744768	08.13.92	Kuwait	B
12	E 743757	09.18.91	Kuwait	B
13	E 743780	09.28.91	Kuwait	B
14	E 744168	01.21.92	Kuwait	B
15	E 744769	08.11.92	Kuwait	B
16	E 746823	03.30.94	Kuwait	C
17	641157	06.06.95	Oatar	D
18	641186	06.06.95	Qatar	D
19	641187	06.06.95	Oatar	D
20	641189	06.06.95	Qatar	D

KEY TO BOYCOTT REQUEST:

A = "Appended declaration to Bill(s) of Lading with the following text must be accompanied with the required documents.

Quote

Appended declaration to Bill of Lading.....The undersigned accordingly declares that the owner or the captain of the above named vessel is not registered or owned by other persons or companies than the mentioned above....."

B = "Documents not acceptable:

A) Documents evidencing shipment of goods of Israeli and or South African origin."

C = ".....Importation of goods from the countries mentioned hereinafter is strictly prohibited by Kuwait Import Regulations, therefore Certificates of Origin covering goods originated in the following countries are not acceptable: (ISRAEL and SOUTH AFRICA)"

D = "DOCUMENTS REQUIRED:

.....Certificate from the owner, agent or captain of the carrying vessel.....confirming that it.....is permitted to enter Arab Ports."

TABLE C

Schedule of Alleged Violations of Sections
787.13 and 769.6(b) (8)
Recordkeeping Violations
G. M. Marketing Company Case No. 95-28

Item	Missing Documents	File/ Invoice Number	Date of Receipt of Boycott Request	Date Discarded (D) or Date Requested (R)	Boycott Request
1	L/C E743757	# 1828	09.18.91	06.93 (D)	A
2	L/C E743780	# 1837	09.28.91	06.93 (D)	A
3	L/C E744168	# 1928	01.21.92	06.93 (D)	A
4	L/C E744769	# 2033	08.11.92	06.93 (D)	A
5	Certificate of Origin & Bill of Lading	# 1990	05.13.92	06.93 (D)	A
6	Certificate of Origin & Bill of Lading	# 4130	08.30.93	09.95 (R)	B
7	Certificate of Origin & Bill of Lading	# 2040	08.13.92	06.93 (D)	A
8	Bill of Lading & Steamship Certificate	# 2016	06.18.92	06.93 (D)	A
9	Bill of Lading & Steamship Certificate	# 2025	07.13.92	06.93 (D)	A
10	Bill of Lading & Steamship Certificate	# 2027	08.10.92	06.93 (D)	A
11	Bill of Lading & Steamship Certificate	# 2038	08.12.92	06.93 (D)	A

KEY TO BOYCOTT REQUEST:

A = "Documents not acceptable:

A) Documents evidencing shipment of goods of Israeli and or South African origin."

B = "Appended declaration to Bill(s) of Lading with the following text must be accompanied with the required documents.

Quote

Appended declaration to Bill of Lading.....The undersigned accordingly declares that the owner or the captain of the above named vessel is not registered or owned by other persons or companies than the mentioned above....."